

**REMARKS**

Claims 1-17 are pending.

**A. Claim 1 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Applicant's Admitted Prior Art (Fig. 5) (*hereafter: AAPA*) in view of Lindemann et al. (US. Patent Publication No. 2004/0223622) in further view of Lee (US 6,608,907), Watanabe et al. (US 6,433,832), Williams, Jr. et al. (US 6,175,861) and Hare et al. (US 6,084,638). The Applicant respectfully traverses this rejection for the following reason(s).**

- Claim 1 calls for, in part:

*an audio decoding means decoding the digital audio signals outputted from the signal dividing means into analog audio signals with a plurality of channels corresponding to predetermined frequencies; and a plurality of frequency-modulators frequency-modulating the low frequency analog video signals and the analog audio signals, in response to intermediate frequencies, respectively.*

On page 5 of the Office action, the Examiner has acknowledged that AAPA fails to teach, among others, the foregoing features of claim 1. The Examiner then refers us to Lindemann, paragraph 75; Figs. 15a, 15b and 16.

Looking to the combination of AAPA and Lindemann we find no teaching of the foregoing features of claim1, wherein such audio decoding is provided prior to combining the modulated signals for wireless transmission.

The Examiner referred to AAPA's audio decoder 123, however, audio decoder 123 is a receiver receiving digital (SPDIF) signals transmitted from a computer system. See paragraph [0007]. Thus there is only one transmission line providing the digital signals to the amplifier, equipped with audio decoder 123, which is wired to six speakers. One of ordinary skill in the art would not have provided audio decoder 123 at the transmitter (computer) because that would result in six sets of speaker wires running to the speakers, instead of one wire (known in the art as either an unbalanced 75 ohm coaxial cable or an optical fiber) running to an amplifier.

As noted by the Examiner, on page 7, the combination of AAPA and Lindemann fail to teach wireless transmission of analog signals. And as noted above, the combination of AAPA and Lindemann fail to teach transmission of analog signals at all.

Additionally, both AAPA and Lindemann teach transmission of digital signals to a receiver.

The Examiner refers us to Lee (col. 3, lines 30-39 and Figs. 2 and 3) in an attempt to suggest one of ordinary skill in the art would have been moved to use Lee's system "for the purpose of supporting the ability of the system to integrate into other analog systems."

It is not clear what the Examiner means by the phrase "other analog systems." Each system, AAPA, Lindemann and Lee provide digital audio signals from a computer to analog speakers. In AAPA the SPDIF (Sony Philips Digital Interface Format) is known in the art to typically transmit PCM and Dolby Digital 5.1, both Lindemann and Lee refer to compressed digital audio AC-3, and all three provide 5.1 channels of audio to 6 analog speakers.

Accordingly, the Examiner has not provided a *prima facie* basis of obviousness.

*In re Rijckaert*, 228 USPQ2d 1955 (CAFC 1993) states:

"A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 782, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rhinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976). If the examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn.

- Further, Lindemann's paragraph [0007],

Wireless loudspeakers have existed for some time [Recoton Patent Reference]. The analog FM transmission systems used in these speakers have resulted in relatively low-fidelity systems with signal to noise ratios on the order of 40 dB to 60 dB. A need exists for a high Patent Reference]. The analog FM transmission systems used in these speakers have resulted in relatively low-fidelity systems with signal to noise ratios on the order of 40 dB to 60 dB. A need exists for a high fidelity wireless loudspeaker system with performance on a par with wired solutions.

**teaches away** from the claimed invention which includes *an audio decoding means decoding the digital audio signals outputted from the audio signal outputting means into analog audio signals after dividing the digital audio signals corresponding to a plurality of channels having predetermined frequencies;*

*a plurality of frequency-modulators frequency-modulating the low frequency analog audio signals into high frequency signals, in response to intermediate frequencies, respectively;*

*a signal combiner for combining the signals modulated by the plurality of frequency-modulators; and*

*a wireless transmitter wirelessly transmitting the signals combined by the signal combiner.*

This teaching away from the invention is an important indication of non-obviousness. *See, e.g. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc. Inc.*, 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986). *See Fine*, 837 F.2d at 1075, 5 USPQ2d at 1599. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference . . . would be led in a direction divergent from the path that was taken by the applicant."

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn. *See* also claims 10, 14 and 17 in this regard of Lindemann's teaching away.

- Further yet, Lee shows (Fig. 1) that a sub-woofer 60 is wired to computer 20, in a conventional art. Lee also shows (Fig. 2) a sub-woofer 200 connected to a computer system which includes audio outputting unit 100 which encodes an audio signal compressed by an AC-3 compression method in accordance with an IEEE 1394 protocol so as to output it to sub-woofer speaker unit 200.

In Lee, it is the sub-woofer speaker unit 200 which wirelessly transmits analog audio to the remaining speakers 300 in a 5.1 channel speaker system, wherein the sub-woofer changes the digital audio to analog audio, uses spread spectrum FM modulation.

Accordingly, there appears to be no advantage to using Lee, and Lee fails to teach "other analog systems" than already taught by AAPA and Lindemann. Also, Lindemann teaches away from wireless transmission of analog audio signals.

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn.

Claim 1 also calls for, in part, *a signal combiner for combining the signals modulated by the plurality of frequency-modulators; and a wireless transmitter wirelessly transmitting the signals combined by the signal combiner.*

On page 10 of the final Office action the Examiner concedes that the combined teachings of AAPA, Lindemann, Lee, Williams and Watanabe "fail to teach a signal combiner for combining the signals modulated by the plurality of frequency-modulators; and a wireless transmitter wirelessly transmitting the signals combined by the signal combiner.

Here, the Examiner refers us to Hare's col. 6, lines 19-27 and Fig. 1, elements 2, 10 and 12.

Col. 6, lines 19-27 state:

"In the embodiment shown in FIG. 1, the video scan format converter (shown in more detail in FIG. 1a) converts the scan format of the PC video display signal from that generated by the PC to a scan format suitable for displaying upon the TV receiver indicated by reference numeral 4. Left and right audio channel data are also provided from PC 2 through PC interface unit 10 to transceiver 12 to be transmitted via radio frequency or microwave frequency to a corresponding transceiver 14 located at the TV receiver 4."

As can be seen from the above, there is no mention in lines 19-27 that the video and audio signals are modulated, there is no mention that the video signals are transmitted wirelessly, that the video signals and the audio signals are combined, and there is clearly no mention that modulated analog video signals are combined with modulated analog audio signals.

There is mention in Hare's specification that the video signals are transmitted wirelessly, however, in col. 6, lines 13-18.

There is no teaching in Hare's specification that the video signals are modulated prior to

modulation by transceiver 12, not that the audio signals are modulated prior to modulation by transceiver 12.

The Examiner fails to establish a *prima facie* case of obviousness.

*In re Rijckaert*, 228 USPQ2d 1955 (CAFC 1993) states:

"A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 782, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rhinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976). If the examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn.

- Additionally, note that Hare discloses, with respect to Fig. 4, and col. 13, lines 19-26:

"Those skilled in the art will understand that the video signal may be transmitted as a single composite video signal which includes chrominance and luminance content or as two separately modulated chrominance and luminance signals (denoted Y/C) for improved image quality. **In such case, transceivers 12 and 14 will be constructed to transmit and receive chrominance and luminance signals on two channels.**"

Accordingly, Hare teaches that *modulated* video signals are not combined prior to wireless transmission, but instead remain separated and then wirelessly transmitted over separate channels.

Inquiry is not whether each element existed in the prior art, but whether the prior art made obvious the invention as a whole. See *Hartness International, Inc. v. Simplimatic Engineering Co.*, 819 F.2d 1100, 2 USPQ2d 1826 (Fed. Cir. 1987).

A finding of a *prima facie* case of obviousness requires more than an indication that the elements are known to exist in the art. There must be some reason to combine references other than using the applicant's claims as a blueprint in an improper hindsight rejection.

*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)

One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

Therefore, Hare does not teach the claimed *combiner*, and thus does not provide motivation to one of ordinary skill in the art to combine the signals modulated by the plurality of frequency-modulators of the combined teachings of AAPA, Lindemann, Lee, Williams and Watanabe.

In fact, it appears that Hare **teaches away** from use such a claimed *combiner*.

Accordingly, Hare's teaching of using separate channels to wirelessly transmit separate modulated signals would lead one of ordinary skill in the art in a direction divergent from the claimed *signal combiner for combining the signals modulated by the plurality of frequency-modulators; and wireless transmitter wirelessly transmitting the signals combined by the signal combiner*.

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn.

**B. Claim 7 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over AAPA in view of Williams and Watanabe.** The Applicant respectfully traverses this rejection for the following reason(s).

Claim 7 calls for, in part:

*a plurality of frequency-modulators frequency-modulating the low frequency analog video signals into high frequency signals, in response to intermediate frequencies, respectively; a signal combiner for combining the signals modulated by the plurality of frequency-modulators; and a wireless transmitter wirelessly transmitting the signals combined by the signal combiner.*

Williams teaches connecting a conventional RGB computer monitor 225 to the network shown in FIG. 5, in place of one of the television sets 23. The monitor is responsive to separate red (R), green (G), and blue (B) color signals, as well as a vertical synchronization signal VSYNC and a horizontal synchronization signal HSYNC. In accordance with the present invention, each of these separate signals is assigned to, and modulated onto, one or more separate RF channels, from which other content has been filtered (i.e., by channel filter 62 or channel server 200). **The modulated signals are then transmitted together** onto the coaxial bus 65. Hence, for each of the R, G, B, VSYNC, and HSYNC signals, the PC server 20 includes one or more dedicated video channel modulators 221 for modulating these onto the network's coaxial cable bus 65. And in col. 21, line 15, refers to the **modulated signals transmitted together** as being "combined modulated signals."

However, Williams does not teach that these "combined modulated signals" can be transmitted wirelessly, but instead transmits the signal over a coaxial cable bus 65.



Here the Examiner refers us to Watanabe, Fig. 1 element 10 and col. 5, lines 9-18 and lines 33-39, where it is taught that a transmitting device that outputs RGB at element 9 such that the RGB signals can be transmitted wirelessly using radio transmission.

We note here that Watanabe does not teach that each of the RGB signals are separately modulated, then combined, and then wirelessly transmitted. Whereas, Williams teaches that each of the RGB signals are separately modulated, then combined, but teaches the modulation and combining processes are necessary for wired transmission over a coaxial cable, Thus Williams fails to teach wireless transmission, and fails to teach that the modulation and combining processes are necessary for wireless transmission.

Since Watanabe teaches that the non-modulated RGB signals can be wirelessly transmitted, there is no showing of a need to add a plurality of modulators and demodulators for modulating and demodulating these RGB signals. Such modulators are not necessary, and would add unnecessary expense to the apparatus.

*Uniroyal, Inc. v Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988) states: "Something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination"; and cites *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1462, 221 USPQ 481, 488 (Fed. Cir. 1984), which cites *In re Imperato*, 486 F.2d 585, 179 USPQ 703 (CCPA 1973) and *In re Sernaker*, 702 F.2d 989, 217 USPQ 1 (Fed. Cir. 1983) which states: "prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings."

The Examiner's statement of obviousness (bottom of page 19 and top of page 20) has failed to show any advantage to be derived from using modulators and demodulators for modulating and demodulating Watanabe's RGB signals.

Additionally, Watanabe teaches away from using the modulators and demodulators for modulating and demodulating Williams' RGB signals by showing that such RGB signals can be wirelessly transmitted without the need for modulation/demodulation. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference . . . would be led in a direction divergent from the path that was taken by the applicant."

One of ordinary skill in the art would have been moved by Watanabe to modify Williams for wireless transmission by removing the modulating/demodulating processes, thus making Williams' device less complicated and less costly to manufacture.

Also, one of ordinary skill in the art may have been moved by Williams to modify AAPA Fig. 5 for wired transmission over a coaxial cable by adding the modulating/demodulating processes, but one of ordinary skill in the art would not have been moved by Williams to modify AAPA Fig. 5 if wireless transmission was the desired mode of transmission, since AAPA Fig. 5 already uses wireless transmission, Williams fails to teach wireless transmission, and Watanabe also already uses wireless transmission, wherein neither AAPA Fig. 5 nor Watanabe need the modulating/demodulating/combining processes taught by Williams in order to operate as intended.

Accordingly, the rejection of claim 7 is deemed to be in error and should be withdrawn.

C. **Claim 10 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over AAPA in view of Lindemann and Lee.** The Applicant respectfully traverses this rejection for the following reason(s).

- Claim 10 calls for, in part:

*a plurality of frequency-modulators frequency-modulating the low frequency analog audio signals into high frequency signals, in response to intermediate frequencies, respectively; a signal combiner for combining the signals modulated by the plurality of frequency-modulators; and a wireless transmitter wirelessly transmitting the signals combined by the signal combiner.*

On page 23 of the Office action, the Examiner has acknowledged that AAPA fails to teach, among others, the foregoing features of claim 10. The Examiner then refers us to Lindemann, paragraph 75; Figs. 15a, 15b and 16.

Looking to the combination of AAPA and Lindemann we find no teaching of the claimed *audio decoding means decoding the digital audio signals outputted from the audio signal outputting means into analog audio signals after dividing the digital audio signals corresponding to a plurality of channels having predetermined frequencies* wherein such audio decoding is provided prior to wireless transmission.

The Examiner referred to AAPA's audio decoder 123, however, audio decoder 123 is a receiver receiving digital (SPDIF) signals transmitted from a computer system. See paragraph [0007]. Thus there is only one transmission line providing the digital signals to the amplifier, equipped with audio decoder 123, which is wired to six speakers. One of ordinary skill in the art

would not have provided audio decoder 123 at the transmitter (computer) because that would result in six sets of speaker wires running to the speakers, instead of one wire (known in the art as either an unbalanced 75 ohm coaxial cable or an optical fiber) running to an amplifier.

As noted by the Examiner, on page 25, the combination of AAPA and Lindemann fail to teach wireless transmission of analog signals. And as noted above, the combination of AAPA and Lindemann fail to teach transmission of analog signals at all.

Additionally, both AAPA and Lindemann teach transmission of digital signals to a receiver.

The Examiner refers us to Lee (col. 3, lines 30-39 and Figs. 2 and 3) in an attempt to suggest one of ordinary skill in the art would have been moved to use Lee's system "for the purpose of supporting the ability of the system to integrate into other analog systems."

It is not clear what the Examiner means by the phrase "other analog systems." Each system, AAPA, Lindemann and Lee provide digital audio signals from a computer to analog speakers. In AAPA the SPDIF (Sony Philips Digital Interface Format) is known in the art to typically transmit PCM and Dolby Digital 5.1, both Lindemann and Lee refer to compressed digital audio AC-3, and all three provide 5.1 channels of audio to 6 analog speakers.

Accordingly, the Examiner has not provided a *prima facie* basis of obviousness.

Accordingly, the rejection of claim 10 is deemed to be in error and should be withdrawn.

- Further, Lindemann's paragraph [0007],

Wireless loudspeakers have existed for some time [Recoton Patent Reference]. The analog FM transmission systems used in these speakers have resulted in relatively low-fidelity systems with signal to noise ratios on the

order of 40 dB to 60 dB. A need exists for a high Patent Reference]. The analog FM transmission systems used in these speakers have resulted in relatively low-fidelity systems with signal to noise ratios on the order of 40 dB to 60 dB. A need exists for a high fidelity wireless loudspeaker system with performance on a par with wired solutions.

**teaches away** from the claimed invention which includes *an audio decoding means decoding the digital audio signals outputted from the audio signal outputting means into analog audio signals after dividing the digital audio signals corresponding to a plurality of channels having predetermined frequencies;*

*a plurality of frequency-modulators frequency-modulating the low frequency analog audio signals into high frequency signals, in response to intermediate frequencies, respectively;*

*a signal combiner for combining the signals modulated by the plurality of frequency-modulators; and*

*a wireless transmitter wirelessly transmitting the signals combined by the signal combiner.*

Accordingly, the rejection of claim 10 is deemed to be in error and should be withdrawn.

- Further yet, Lee shows (Fig. 1) that a sub-woofer 60 is wired to computer 20, in a conventional art. Lee also shows (Fig. 2) a sub-woofer 200 connected to a computer system which includes audio outputting unit 100 which encodes an audio signal compressed by an AC-3 compression method in accordance with an IEEE 1394 protocol so as to output it to sub-woofer speaker unit 200.

In Lee, it is the sub-woofer speaker unit 200 which wirelessly transmits analog audio to the

remaining speakers 300 in a 5.1 channel speaker system, wherein the sub-woofer changes the digital audio to analog audio, uses spread spectrum FM modulation.

Accordingly, there appears to be no advantage to using Lee, and Lee fails to teach "other analog systems" than already taught by AAPA and Lindemann. Also, Lindemann teaches away from wireless transmission of analog audio signals.

**D. Claims 14-16 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over AAPA in view of Lindemann, Lee, Williams and Hare. The Applicant respectfully traverses this rejection for the following reason(s).**

Claims 14-16 are deemed to be non-obvious for the same reasons argued in the traversal of the rejections of claims 1 and 10.

**E. Claim 17 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over AAPA in view of Lee, Lindemann, Schupak (US 6069621), Curtin (US 6684060), Watanabe and Williams. The Applicant respectfully traverses this rejection for the following reason(s).**

- Claim 17 calls for *an AC-3 audio decoder for receiving the separated audio signal and outputting 5.1 channel audio; and a wireless module separately modulating each video component and each audio component of said Y/Pb/Pr video signal and said 5.1 channel audio using different*

*center frequencies.*

The Examiner notes that the AAPA fails to teach the forgoing feature, and refers us to Lee which teaches audio outputting unit 100 encodes an audio signal compressed by an AC-3 compression method in accordance with an IEEE 1394 protocol so as to output it.

Lee also teaches that it is sub-woofer speaker unit 200 (Figs. 2 and 3) that decodes the coded (AC-3) audio signal provided from audio outputting unit 100, and modulates it by means of a spread spectrum FM modulation method so as to transmit it to speakers 300. Sub-woofer 200 is shown connected to an audio outputting unit 100 (obviously a computer, CD or DVD) by a wired connection.

If one of ordinary skill in the art desired to modify AAPA with the teachings of Lee, then Lee's audio outputting unit 100 would replace AAPA's sound card SPDIF 115, and Lee's sub-woofer 200 would replace AAPA's audio decoder 123 and sub-woofer 129. The remaining art fails to teach differently.

Such being the case, Lee teaches a spread spectrum FM modulation method of modulating the decoded AC-3 audio signal, instead of *modulating . . . each audio component of . . . said 5.1 channel audio using different center frequencies.*

The Examiner acknowledges that the combination of AAPA and Lee fail to teach the modulating step above. Here, the Examiner refers to Lindemann, referring to paragraph 75 and Fig. 16 by erroneously stating Lindermann teaches a wireless module separately modulating each audio component [of . . . said 5.1 channel audio] using different center frequencies.

First, note that Linemann's Fig 16 is an RF receiver (Fig. 15A, items 1504, 1514, 1524) and

teaches demodulation, not modulation, and paragraph [0075] makes no mention of modulation using different center frequencies.

Therefor, the Examiner fails to make a *prima facie* case of obviousness.

Accordingly, the rejection of claim 17 is deemed to be in error and should be withdrawn.

- Note that the Examiner suggests that combining Lindemann with the combination of AAPA and Lee, which teaches Lee's audio outputting unit 100 would replace AAPA's sound card SPDIF 115, and Lee's sub-woofer 200 would replace AAPA's audio decoder 123 and sub-woofer 129., would have been obvious for the purpose of reducing the number of annoying wires in a home theater system. However, the combination of AAPA and Lee already reduces the number of annoying wires in a home theater system since there are no wires to Lee's speakers 300.

- Note also that Lindemann fails to disclose anything with respect to *a wireless module separately modulating each video component . . . of said Y/Pb/Pr video signal . . . using different center frequencies*, and the Examiner has acknowledged on page 36 that the combined teachings of AAPA and Lee fail to teach the foregoing feature of claim 17.

Accordingly, the rejection of claim 17 is deemed to be in error for failing to provide a *prima facie* basis of obviousness, and should be withdrawn.

- Claim 17 also calls for *combining the modulated signals and wirelessly transmitting the combined signal from a first antenna*.



The *modulated signals* refer to those separately modulated by the wireless module, *i.e.*, each video component and each audio component of said Y/Pb/Pr video signal and said 5.1 channel audio modulated by using different center frequencies for each component.

As noted above, the combination of AAPA, Lee and Lindemann fail to teach such a wireless module.

With respect to the applied art, the Examiner notes that only Schupak apparently teaches *combining the modulated signals and wirelessly transmitting the combined signal from a first antenna*.

Although Schupak does disclose that a computer 2 outputs an audio/video signal at terminal 3. And that, instead of using a wired transmission, the audio/video signal can be wirelessly transmitted, Schupak does not teach nor provide a description which would enable one of ordinary skill in the in the art to provide *a wireless module separately modulating each video component and each audio component of said Y/Pb/Pr video signal and said 5.1 channel audio using different center frequencies*.

The remaining references, Curtin, Watanabe and Williams do not teach the features noted above as lacking in the combined teachings of AAPA, Lee and Lindermann.

Even if the other art taught using different center frequencies to modulate each video component and each audio component of said Y/Pb/Pr video signal and said 5.1 channel audio, none of the art teaches how such differently modulated signals can be combined as one signal to be transmitted wirelessly.

Inquiry is not whether each element existed in the prior art, but whether the prior art made

obvious the invention as a whole. See *Hartness International, Inc. v. Simplimatic Engineering Co.*, 819 F.2d 1100, 2 USPQ2d 1826 (Fed. Cir. 1987).

A finding of a *prima facie* case of obviousness requires more than an indication that the elements are known to exist in the art. There must be some reason to combine references other than using the applicant's claims as a blueprint in an improper hindsight rejection.

*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)

One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

*In re Rijckaert*, 228 USPQ2d 1955 (CAFC 1993) states:

"A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 782, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rhinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976). If the examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Accordingly, the rejection of claim 17 is deemed to be in error and should be withdrawn.

- Additionally, Lindemann's paragraph [0007],

Wireless loudspeakers have existed for some time [Recoton Patent Reference]. The analog FM transmission systems used in these speakers have resulted in relatively low-fidelity systems with signal to noise ratios on the order of 40 dB to 60 dB. A need exists for a high Patent Reference]. The analog FM transmission systems used in these speakers have resulted in relatively low-fidelity systems with signal to noise ratios on the order of 40 dB to 60 dB. A need exists for a high fidelity wireless loudspeaker system with performance on a par with wired solutions.

**teaches away** from the claimed invention of separately modulating each audio component of said 5.1 channel audio using different center frequencies.

Accordingly, the rejection of claim 17 is deemed to be in error and should be withdrawn.

**E. Claims 2-4 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over AAPA in view of Lindemann, Lee, Watanabe et al., Williams, Jr. et al. and in further view of Fimoff et al. (US 6,687,310) and Knutson et al. (US 6,788,710). The Applicant respectfully traverses this rejection for the following reason(s).**

- Claims 2-4 depend from claim 1 and are deemed to be non-obvious for the same reasons as claim 1.
- Claims 2-4 depend from claim 1 and include the same features of claim 1. The rejection of claim 1 included reference to the patent to Hare. The rejection of claims 2-4 does not include reference to Hare, and therefore the rejection is deemed to be improper.

Accordingly, the rejection of claims 2-4 is deemed to be in error and should be withdrawn.

**F. Claim 5 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over AAPA in view of Lindemann, Lee, Watanabe et al., Williams, Fimoff and Knutson, and in further view of Curtin.** The Applicant respectfully traverses this rejection for the following reason(s).

- Claim 5 depends from claim 1 and are deemed to be non-obvious for the same reasons as claim 1.
- Claim 5 depends from claim 1 and includes the same features of claim 1. The rejection of claim 1 included reference to the patent to Hare. The rejection of claim 5 does not include reference to Hare, and therefore the rejection is deemed to be improper.

Accordingly, the rejection of claim 5 is deemed to be in error and should be withdrawn.

**G. Claim 6 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over AAPA in view of Lindemann, Lee, Watanabe et al., Williams, and in further view of Schupak.** The Applicant respectfully traverses this rejection for the following reason(s).

- Claim 6 depends from claim 1 and are deemed to be non-obvious for the same reasons as claim 1.

- Claim 6 depends from claim 1 and includes the same features of claim 1. The rejection of claim 1 included reference to the patent to Hare. The rejection of claim 6 does not include reference to Hare, and therefore the rejection is deemed to be improper.

Accordingly, the rejection of claim 6 is deemed to be in error and should be withdrawn.

**H. Claims 8 and 9 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over AAPA in view of Williams and Watanabe and in further view of Fimoff and Knutson.** The Applicant respectfully traverses this rejection for the following reason(s).

- Claims 8 and 9 depend from claim 7 and are deemed to be non-obvious for the same reasons as claim 7.

**I. Claims 11-13 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over AAPA in view of Lindemann and Lee and in further view of Fimoff and Knutson.** The Applicant respectfully traverses this rejection for the following reason(s).


- Claims 11-13 depend from claim 10 and are deemed to be non-obvious for the same reasons as claim 10.

The Examiner is respectfully requested to reconsider the application, withdraw the objections

and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

A petition for a one month extension of time and an Applicants' check in the amount of \$120.00 drawn to the order of Commissioner accompanies this response. Should the petition become lost, the Commissioner is requested to treat this paragraph as a petition for an extension of time, and should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicants' undersigned attorney in the amount of such fees.

Respectfully submitted,

  
Robert E. Bushnell  
Attorney for Applicants  
Reg. No.: 27,774

1522 K Street, N.W.  
Washington, D.C. 20005  
(202) 408-9040

Folio: P56623  
Date: 3/15/07  
I.D.: REB/MDP